

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ALAN CONN,

Petitioner,

vs.

MAGGIE MILLER-STOUT,

Respondent.

NO. CV-07-191-LRS

ORDER DISMISSING PETITION WITHOUT  
PREJUDICE

BEFORE THE COURT is Petitioner's First Amended Petition (Ct. Rec. 8). Petitioner is proceeding *pro se*. He has paid the filing fee. Respondent has not been served.

Petitioner is challenging a "misdemeanor warrant" issued by the Lynnwood Municipal Court in and for the County of Snohomish, State of Washington. He claims this warrant is being used to denying him earned good time and to confine him until his maximum release date, at which point he will be released to the county jail to resolve the Detainer/Warrant.

By Order filed September 20, 2007, the court directed Petitioner to amend his petition to demonstrate he has properly exhausted his state court remedies by pursuing a Personal Restraint Petition. Petitioner contends he has a right to have a direct appeal taken in the U.S. District Court. Petitioner's contention is misplaced.

ORDER DISMISSING PETITION WITHOUT PREJUDICE -- 1



1 This court is precluded from exercising appellate jurisdiction  
2 over the decisions of the Washington State Courts. See *District of*  
3 *Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 103 S.Ct. 1303, 75  
4 L.Ed.2d 206 (1983)(holding that federal district courts may not  
5 exercise appellate jurisdiction over state court decisions); *Rooker*  
6 *v. Fidelity Trust Co.*, 263 U.S. 413, 44 S.Ct. 149, 68 L.Ed. 362  
7 (1923). This rule applies even when the challenge to the state  
8 court's action involves federal constitutional issues. See *Feldman*,  
9 460 U.S. at 484-86; *Worldwide Church of God v. McNair*, 805 F.2d 888,  
10 892-93 (9th Cir. 1986). Therefore, pursuant to the *Rooker-Feldman*  
11 doctrine, this court lacks subject matter jurisdiction over  
12 Petitioner's claims.

13 Rather, the proper method by which a person may challenge his  
14 present confinement is a Petition for Writ of Habeas Corpus pursuant  
15 to 28 U.S.C. § 2254. See *Preiser v. Rodriguez*, 411 U.S. 475, 487-90  
16 (1973)(if a state prisoner challenges the fact or duration of his  
17 confinement, or seeks a determination that he is entitled to release  
18 or a shortening of his period of confinement, his only federal remedy  
19 is a writ of habeas corpus, with its requirement of exhaustion of  
20 state remedies). A petitioner, however, must first properly exhaust  
21 his claims in state court and timely file his federal habeas petition.  
22 Mr. Conn has failed to demonstrate proper exhaustion.

23 Accordingly, **IT IS ORDERED** the Petition is **DISMISSED without**  
24 **prejudice** to properly exhaust state court remedies by means of a  
25 Personal Restraint Petition.

26 **IT IS SO ORDERED.** The District Court Executive is directed to  
27  
28 ORDER DISMISSING PETITION WITHOUT PREJUDICE -- 2



1 enter this Order, enter judgment, forward a copy to Petitioner and  
2 close the file.

3 **DATED** this 14th day of January, 2008.

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5 ***s/Lonny R. Suko***

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7 LONNY R. SUKO  
8 UNITED STATES DISTRICT JUDGE  
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